

Appl. No. 09/918,576
Reply Brief dated 05/20/2008
Reply to Office Action of 03/21/2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of:	:
Robert M. Dunn	:
	: Before the Examiner:
Serial No: 09/918,576	: Stefanos Karmis
	:
Filed: 07/31/2001	: Group Art Unit: 3691
	:
Title: CALCULATION SCALE	: Confirmation No.: 1855
FRAMEWORK	:

APPELLANTS' REPLY BRIEF UNDER 37 CFR §41.41

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a Reply to the Examiner's Answer dated March 21, 2008 in accordance with 37 CFR §41.41.

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RESPONSE TO EXAMINER'S ARGUMENTS

In the last paragraph on page 8 to first paragraph on page 9 of the Answer Brief, the Examiner stated:

Applicant argues that Danford-Klein fails to teach providing a calculation scale look up interface, a base monetary value, a result multiplier and a set of mathematical weights corresponding to the set of commerce objects. Applicants asserts that the cited passage relates to dates and date ranges. The Examiner respectfully disagrees. The section teaches calculation of linehaul service rates within date ranges (column 15, lines 43 – 63). The rating engine mentioned performs cost calculations for linehaul services (column 7, lines 33 - 45, column 9, line 59 thru column 10, line 13 and column 16, lines 23 – 40). The rating engine also provides calculations using a base monetary value (column 16, lines 23 – 40). Therefore Applicant's argument is not persuasive because Danford-Klein clearly teaches that the rates calculated by the rate engine are limited to dates.

But note that there is not disclosed in any one of the passages cited by the Examiner ***a set of mathematical weights corresponding to the set of commerce objects*** as claimed. This set of mathematical weights is used to apportion a total result to the set of commerce objects (see the sixth element of Claim 1).

The Examiner further stated in the last paragraph on page 11 that:

Applicant argues that Danford-Klein fails to teach providing a calculation scale look up interface, a base monetary value, a result multiplier and a set of mathematical weights corresponding to the set of commerce objects. Applicants asserts that the cited passage relates to dates and date ranges.

In Response: The Examiner respectfully disagrees. ***Given the broadest reasonable interpretation,*** the section teaches

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calculations for linehaul service rates within date ranges (column 15, lines 43 – 63). The rating engine mentioned performs cost calculations for linehaul services (column 7, lines 33 - 45, column 9, line 59 thru column 10, line 13 and column 16, lines 23 – 40). The rating engine also provides calculations using a base monetary value (column 16, lines 23 – 40). *Applicant's specification states that mathematical weights are "shipping weights" (page 9, lines 12 – 15).* Danford-Klein clearly teaches including shipping weight during calculations (column 17, lines 31-50 and Table 1 and column 12, line 64 thru column 13, line 13). Therefore Applicant's argument is not persuasive because Danford-Klein clearly teaches that the rates calculated by the rating engine using data ranges and mathematical weights. (Emphasis added.)

However, the Examiner failed to indicate that the mathematical weights being "shipping weights" disclosed on page 9, lines 12 – 15 of Appellants' Specification is but one example among many others given by Appellants. For instance, on page 8, line 15 Appellants disclose that ***the mathematical weights are the quantities of the commerce objects***, whereas on page 9, line 3, Appellants disclose that ***the mathematical weights are the net prices of the order items***. On page 9, lines 22 and 23 and on page 10, line 12 Appellants disclose that ***the mathematical weights are the net prices***. On page 10, line 6 Appellants disclose that ***the mathematical weights are the gross prices***. On page 10, line 20 Appellants disclose that ***the mathematical weights are the net prices each divided by its unitless quantity***. On page 11, line 3, Appellants disclose that ***the mathematical weights are the taxable net prices*** and on page 11, line 14, Appellants disclose that ***the mathematical weights are the net prices each divided by its unitless quantity***.

Consequently, using one interpretation of the term **MATHEMATICAL WEIGHTS** given among many others, as done by the Examiner, cannot be the

broadest reasonable interpretation of the term. Rather, it is not only **unreasonable** but also the **narrowest** of interpretations.

In any event, whether or not the term “mathematical weights” is defined in the Specification as being “shipping weights” is irrelevant. What is relevant is whether or not Danford-Klein et al. disclose the claimed limitations ***a set of mathematical weights corresponding to the set of commerce objects*** as claimed.

Appellants submit that, contrary to the Examiner’s assertion, Danford-Klein et al. do not teach ***a set of mathematical weights corresponding to the set of commerce objects*** as claimed.

Nevertheless, it should be pointed out that the Examiner admitted that Danford-Klein et al. do not teach ***apportioning the total result to the set of commerce objects in proportion to the set of mathematical weights*** (see last paragraph on page 4 of the Answer Brief). If, as admitted by the Examiner, Danford-Klein et al. do not teach the claimed element of ***apportioning the total result to the set of commerce objects in proportion to the set of mathematical weights***, they have no reason to teach ***a set of mathematical weights corresponding to the set of commerce objects*** where the set of mathematical weights is used to apportion the total result to the set of commerce objects as claimed.

The Examiner further asserted that Blinn et al. teach ***apportioning the total result to the set of commerce objects in proportion to the set of mathematical weights*** in col. 29, lines 50 – 59. Appellants respectfully disagree.

In col. 29, lines 50 – 59, Blinn et al. disclose the following:

The components in the order total stage 384 compute the total charge for the order 124. The preferred order total default component 1262 sets the order.sub.-- total key-value pair to the sum of the oadjust.sub.-- subtotal key-value pair, the shipping.sub.-

- total key-value pair, the tax.sub.-- total key-value pair, and the
handling.sub.-- total key-value pair.

As can be seen in the cited passage, Blinn et al. disclose that the sub total of an order is equal to the sum of (1) the adjustment of the order price (i.e., oadjust), (2) shipping, (3) tax and (4) handling charges where the adjustment of the order price is disclosed in col. 25, lines 24 – 48 as being a discount which is based on the shopper, the items purchased and the discount award.

Thus, Blinn et al. do not teach ***apportioning the total result to the set of commerce objects in proportion to the set of mathematical weights*** as asserted by the Examiner.

Since Danford-Klein et al. do not teach ***a set of mathematical weights corresponding to the set of commerce objects*** and Blinn et al. do not teach ***apportioning the total result to the set of commerce objects in proportion to the set of mathematical weights***, combining the teachings of Danford-Klein et al. with those of Blinn et al. do not teach, show or so much as suggest the claimed elements of the invention. Consequently, Appellants request reversal of the rejection.

Respectfully Submitted

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